



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,772	10/30/2003	Thomas Schmitz	32368-198088	6895
26694	7590	04/21/2006	EXAMINER	
VENABLE LLP			WELCH, GARY L	
P.O. BOX 34385			ART UNIT	
WASHINGTON, DC 20045-9998			PAPER NUMBER	
			3765	

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,772

Applicant(s)

SCHMITZ, THOMAS

Examiner

Gary L. Welch

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6-11,14,15 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 2-5,12,13 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 42304103003112503.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings of record appear to be a faxed copy and therefore do not have clear lines and markings. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: The specification appears to be a faxed copy and therefore the text is not clean for scanning and printing.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 requires "sensor senses a wear of the flat bar clothing". How does the sensor sense "wear"?

Claim 15 requires "a zone of the flat bar slide elements which is in engagement with slide surfaces of the slide guides is utilized for the measurement" How is the flat bar slide elements utilized?

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6-11, 14, 17 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Schlichter et al. (U.S. 5,398,381).

Schlichter et al. discloses an arrangement in a spinning preparation machine (Figure 1) having a clothed roll 4 with clothing 20 thereon, flat bar slide elements (21, 22), clothed flat bars 14 having clothing 19 thereon and in cooperation with the clothing of the clothed roll. The flat bars 14 have slide guides (i.e. those surfaces contacting the slideway), which glide on the flat bar slide elements. A measuring apparatus comprising at least one sensor 17 is arranged for detecting a distance between a reference surface and at least one of the free ends of the clothing of the clothed roll and the free ends of the clothing of the clothed flat bars.

With regard to claims 6-9, the sensor 17 is considered a light section sensor, a displacement sensor, a distance difference detecting sensor and an absolute distance detecting sensor since it detects a distance between a reference surface and at least

Art Unit: 3765

one of the free ends of the clothing of the clothed roll and the free ends of the clothing of the clothed flat bars.

With regard to claim 10, the flat bars 14 are part of traveling flats of the machine.

With regard to claim 11, the sensor 17 senses wear of the flat bar clothing.

With regard to claim 14, the sensor 17 senses a distance between a measuring surface of the sensor and the free ends of the clothed roll clothing.

With regard to claim 15, a zone of the flat bar slide elements which is in engagement with slide surfaces of the slide guides is utilized for the measurement.

With regard to claim 17, the sensor 17 is connected to an electronic control and regulating device (Figure 6).

With regard to claim 18, a device for setting a distance between the flat bar clothing 19 and the clothed roll clothing 20 is connected to the electronic control and regulating device (Figure 6).

With regard to claim 19, the electronic control and regulating device (Figure 6) has a memory for storing desired values of the distance between the flat bar clothing 19 and the clothed roll clothing 20.

With regard to claim 20, one of a switching process and an indication is triggered when the distance between the flat bar clothing and the clothed roll clothing exceeds one of the desired values stored in the memory.

Allowable Subject Matter

Art Unit: 3765

5. Claims 2-5, 12, 13 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Steinert '336 and '931 disclose apparatus for measuring the distance between a device and clothing points of traveling flat bars.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on M-Fri 5:30 am to 2:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GARY L. WELCH
PRIMARY EXAMINER